

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Mark Bungler : Confirmation No.: 8324
Serial No.: 09/822,961 : Group Art Unit: 3627
Filed: March 30, 2001 : Examiner: Fawaad Haider
TITLE: METHOD, SYSTEM, AND COMPUTER READABLE MEDIUM FOR
FACILITATING A TRANSACTION BETWEEN A CUSTOMER, A
MERCHANT AND AN ASSOCIATE

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 CFR §1.705(b))

Dear Commissioner:

In accordance with the provisions of 37 C.F.R. §1.705(b), Applicants respectfully request that the Patent Term Adjustment calculated by the Commissioner in the above-referenced Application be reconsidered. Currently, the Commissioner has calculated a zero (0) day Patent Term Adjustment. Applicants believe they are entitled to a patent term adjustment of nine hundred and fifty-two (952) days.

Applicants respectfully assert that they are entitled to an estimated patent term adjustment of thirteen (13) days pursuant to 37 CFR §1.702(a)(2), which states, in relevant part:

[t]he term of an original patent shall be adjusted if the issuance of the patent was .
delayed due to the failure of the Office to: ... (2) Respond to a reply under 35
U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months
after the date on which the reply was filed or the appeal was taken.

In addition, Applicants respectfully assert that they are entitled to an additional patent term adjustment of nine hundred and thirty-nine (939) days pursuant to 37 CFR §1.703(b), which states, in relevant part:

[t]he period of adjustment under §1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three (3) years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued.

This brings the total patent term adjustment, to which Applicants are entitled, to nine hundred and fifty-two (952) days ($939 + 13 = 952$).

In support of this request under 37 CFR §1.703(b), Applicants submit the following information:

Filing Date:	March 30, 2001
Third Anniversary of Pendency:	March 30, 2004
Date of Filing of first RCE	October 25, 2006
Days between day after Third Anniversary and RCE filing date	939
Notice of Allowance date	December 17, 2009

In support of this request under 37 CFR §1.702(a)(2), Applicants submit the following information:

Restriction Requirement Office Action:	January 11, 2005
Response to Restriction Requirement Office Action:	July 8, 2005
	PTO calculated 143 days Applicant Delay Correct calculation is 88 days Applicant Delay DIFFERENCE 55 DAYS PTA
Request for Continued Examination	October 1, 2007
Supplemental Response – Information Disclosure Statement	November 12, 2007
	PTO calculated 0 days Applicant Delay Correct calculation is 42 days Applicant Delay
	TOTAL 13 DAYS PTA (55 DAYS PTA MINUS 42 DAYS APPLICANT DELAY)

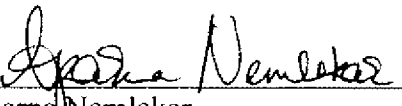
Applicants' patent term adjustment is based on the projection that this patent will issue on the Tuesday before the date that is 28 weeks after the mailing date of the Notice of Allowance.

Applicants reserve the right to petition for any further patent term adjustment if the patent issues after the estimated date (i.e., on the Tuesday before the 28 weeks from the mailing date of the Notice of Allowance).

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 50-0436.

Respectfully submitted,
PEPPER HAMILTON LLP


Aparna Nemlekar
Reg. No. 65,617

Pepper Hamilton LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219
Telephone: 412.454.5000
Facsimile: 412.281.0717
Date: February 17, 2010